

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MUSTAFA WILLIAMS,)	
)	CIVIL ACTION NO. 3:17-cv-192
Plaintiff,)	
)	JUDGE KIM R. GIBSON
v.)	
)	
JOHN WETZEL, <i>Secretary of the</i>)	
<i>Department of Corrections, et al.,</i>)	
)	
Defendants.)	

MEMORANDUM ORDER

This matter is before Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

On October 9, 2017, Plaintiff Mustafa Williams ("Mr. Williams"), then an inmate at the State Correctional Institution at Houtzdale ("SCI-Houtzdale"), submitted a Complaint against Defendants John Wetzel ("Mr. Wetzel"), the Secretary of the Department of Corrections in Pennsylvania at all times relevant to Mr. Williams' Complaint; Barry Smith ("Mr. Smith"), the Superintendent at SCI-Houtzdale at all times relevant to Mr. Williams' Complaint; Janet Pearson ("Ms. Pearson"), the Medical Director at SCI-Houtzdale at all times relevant to Mr. Williams' Complaint; and two John/Jane Doe Defendants. (ECF No. 1 at 5–8). Mr. Williams brought an Eighth Amendment Deliberate Indifference Claim against all five Defendants, contending that they denied his rights under the Eighth Amendment when they "knowingly and intentionally denied and stopped [his] medical special diet, knowing he is allergic to food prepared by [SCI-Houtzdale] kitchen staff." (*Id.* at 13–14).

On November 13, 2017, the Magistrate Judge issued a Memorandum Order: (1) dismissing Mr. Williams' claims against Mr. Wetzel and Mr. Smith without prejudice; (2) stating that the Complaint would be served on Ms. Pearson; and (3) indicating that the John/Jane Doe Defendants could be identified during discovery. (ECF No. 3 at 2–3).

On November 23, 2017, Mr. Williams submitted an Amended Complaint, in which he added additional allegations against Mr. Wetzel and Mr. Smith. (*See* ECF No. 4).

On December 1, 2017, the Magistrate Judge issued a Memorandum Order: (1) directing that the Amended Complaint be served on Ms. Pearson and (2) dismissing Mr. Williams' claims against Mr. Wetzel and Mr. Smith with prejudice. (*See* ECF No. 7).

On April 2, 2018, Mr. Williams filed a Second Amended Complaint, again asserting an Eighth Amendment Deliberate Indifference claim against Mr. Wetzel, Mr. Smith, Ms. Pearson, and certain John/Jane Doe Defendants. (*See* ECF No. 24).

On April 24, 2018, Mr. Wetzel, Mr. Smith, and Ms. Pearson filed a Motion to Dismiss Mr. Williams' Second Amended Complaint. (ECF No. 25).

On September 26, 2018, the Magistrate Judge issued a Memorandum Order: (1) indicating that the Second Amended Complaint was the operative Complaint; (2) stating that the Motion to Dismiss was denied as against Mr. Wetzel and Mr. Smith as unnecessary because "even ignoring the portion of [his] order denying leave to amend the complaint as to those defendants, the current version of the complaint does not improve on the first two[;]" (3) denying the Motion to Dismiss on the merits with respect to Mr. Williams' claim against Ms. Pearson; and (4) indicating that "when and if" Mr. Williams discovered the identity of the John/Jane Doe Defendants, he could move to amend his Complaint. (*See* ECF No. 32).

On February 26, 2019, Ms. Pearson filed a Motion for Summary Judgment. (ECF No. 48).

On April 22, 2019, the Magistrate Judge issued a Memorandum Order: (1) granting Ms. Pearson's Motion for Summary Judgment; (2) dismissing Mr. Williams' claims as against the John/Jane Doe Defendants without prejudice because Mr. Williams had not identified those Defendants; and (3) directing the clerk to mark the case as closed. (*See* ECF No. 53). Accordingly, on May 29, 2019, the Court entered Judgment in favor of the Defendants and against Mr. Williams. (ECF No. 57).

On June 24, 2019, Mr. Williams filed a Notice of Appeal to the United States Court of Appeals for the Third Circuit. (ECF No. 58).

On February 10, 2022, the Third Circuit vacated the judgment in this case and remanded the matter to this Court for further proceedings. (ECF No. 77 at 2). In its opinion, the Third Circuit held that the Magistrate Judge "had no authority to dismiss Williams' ... complaint[] without obtaining the consent to magistrate judge jurisdiction not only of the prisoner-plaintiff[] but of the defendants being dismissed from the case or granted summary judgment." (ECF No. 77-1 at 23). Further, the Third Circuit explained that where the "consent requirement of Section 636(c)(1) is not met, the appropriate procedure under Section 636(b)(1)(C) is for the Magistrate Judge to issue a report and recommendation to the District Court, which is vested with the authority to dismiss the parties and enter final judgment in the matter." (*Id.* at 23–24). However, the Third Circuit expressed no opinion as to the merits of Mr. Williams' claims. (*See* ECF No. 77-1).

On March 2, 2022, the Magistrate Judge issued a Report and Recommendation: (1) recommending that Mr. Williams' Complaint be dismissed as against Mr. Wetzel and Mr. Smith for failure to state a claim and without leave to amend; (2) recommending that the Court enter

summary judgment in favor of Ms. Pearson; (3) and offering “[his] previous analyses ... as a recommendation.” (See ECF No. 78). Further, the Magistrate Judge informed the parties that they could file “written objections” to his recommendation within fourteen days. (*Id.* at 6). Finally, the Magistrate Judge noted that in the absence of “timely and specific objections, any appeal would be severely hampered or entirely defaulted.” (*Id.*).

Mr. Williams has not submitted objections to the Report and Recommendation, and the timeframe for doing so has passed.

Therefore, upon review of the record and the Report and Recommendation under the applicable “reasoned consideration” standard, *see EEOC v. City of Long Branch*, 866 F.3d 93, 99–100 (3d Cir. 2017) (standard of review when no timely and specific objections are filed), and pursuant to Local Civil Rule 72.D.2, the Court will accept in whole the findings and recommendations of the Magistrate Judge in this matter. Accordingly, the following order is entered:

AND NOW, this 12th day of January, 2023, it is **HEREBY ORDERED** that Plaintiff Mustafa Williams’ claims against Defendants John Wetzal and Barry Smith are **DISMISSED WITH PREJUDICE** as stated in the Reports and Recommendations at ECF Nos. 7, 32, and 78.

IT IS FURTHER ORDERED that Defendant Janet Pearson’s Motion for Summary Judgment (ECF No. 48) is **GRANTED** as stated in the Reports and Recommendations at ECF Nos. 53 and 78.

IT IS FURTHER ORDERED that Plaintiff Mustafa Williams’ claims against all John/Jane Doe Defendants are **DISMISSED WITHOUT PREJUDICE** as stated in the Reports and Recommendations at ECF Nos. 53 and 78.

IT IS FURTHER ORDERED that the Reports and Recommendations at ECF Nos. 3, 7, 32, 53, and 78 are adopted as the opinions of the Court. The Clerk shall: (1) terminate all Defendants from the case, (2) enter judgment in favor of Defendants and against Plaintiff, and (3) mark the case closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", is written over a horizontal line.

KIM R. GIBSON
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Mustafa Williams
FH-7012
SCI Greene
175 Progress Drive
Waynesburg, PA 15370